

Tuesday, 9 o'clock, a. m.
March 14th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Wallace and Williamson.

Quorum present.

The Journal of the preceding day was read and adopted.

Mr. Grimes, Chairman of the committee on Finance, made the following reports.

The committee on Finance, to which was referred a Joint Resolution authorizing and requiring the Comptroller of Public Accounts to issue warrants paying A. B. Gray for services in running and marking the eastern boundary line of Texas, have had the subject under consideration and find the claim sustained by evidence of an undoubted character, and should be paid as early as the state of the finances will justify the payment, they therefore return the bill and recommend it to the consideration of the Senate.

The committee on finance to which was referred a bill to be entitled an act providing for the payment of Jurors, have instructed me to report the bill back to the Senate, without amendment and recommend its passage.

The committee on Finance, to which was referred a bill to be entitled an act to provide for the more certain collection of the taxes for the years 1846 and 1847, returned the bill with amendments and recommended its passage.

Amendments.

Section 1st. line, 4, strike out "April" and insert "August."

In sec. 1, line 9, strike out "April" and insert "October."

In same section line 10, strike out "July" and insert "January, 1849."

And in same line, strike out "of the present year."

Substitute for third section.

Sec. 3d. That the Assessor and Collector of sales by virtue of this act shall be entitled to the same fees and commissions, that Sheriffs are entitled to receive for sales under execution."

A message was received from the House of Representatives, informing the Senate that the House had adopted the substitute of the Senate for a bill to be entitled an act to make an improved charter for the town of Goliad; and, had concurred in the first amendment, and refused to concur in the 2d amendment of the Senate to a bill to be entitled an act to provide for the exchange of books, maps, charts, &c.

Also that the House had passed a bill originating in the Senate to provide for the election of Electors for President and Vice President of the United States.

And that the House concurred in the amendment of the Senate to a bill changing the name of the County seat of Collin county.

And that the House had adopted a resolution to go into the election of a district Attorney for the 11th Judicial District on Thursday next at 11 o'clock, A. M.

Also, that the House had passed the following bills and Joint Resolutions, viz:

A bill to be entitled an act to authorize the Commissioner of the General Land Office to issue a patent for one league and one labor of land, the headright of Dennis Gahagan.

A bill to be entitled an act to amend the 18th section of an act to incorporate the city of Austin, passed 11th May; A. D. 1846.

Joint Resolution to provide for the issuing of a patent to Timothy Carpenter.

And Joint Resolution for the relief of Allen Kellough.

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Mr. Grimes, Chairman of the committee on Finance made the following report.

The committee on Finance to which was referred, "a bill to be entitled an act authorizing the appointment of a Fiscal agent and for the better security of the revenue, have considered the subject, and instructed me to report the bill back to the Senate and recommend its passage, without the Senates amendments.

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Mr. Gage, Chairman of the committee on counties and county boundaries to which was referred a bill to be entitled an act to change the northern boundary line of Limestone county, reported the same back to the Senate and recommended its passage.

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Mr. Clark, Chairman of the committee on the Judiciary, made the following report.

The Judiciary committee have had under consideration "a report of the committee on Private Land Claims," made upon the "petition of James A. Mason in behalf of the widow and heirs of John Joseph Odenath," and

"A bill for the relief of William K. Melton," and a majority of the committee have instructed me to report as follows:

The parties above named obtained certificates for land, it seems, the one from the board of Commissioners of Harris county, the other from the board of commissioners of Sabine County, which were subsequently, either rejected, or not recommended for patent by the tribunal established to detect fraudulent land certificates, &c. The parties suffered the time allowed by the constitution to institute suit in such cases,

to expire without doing any thing to secure their rights, and hence, say the committee, their claims are barred, and the Legislature cannot afford relief.

The object of the Senate in referring the report aforesaid to the Judiciary committee, was to obtain, it is supposed, from said committee, an opinion to the correctness of the conclusion aimed at, and given by the committee on Private Land Claims, upon the 2d section of the 11th article of the constitution.

The majority of the Judiciary committee do not acquiesce entirely, at least in the opinion given by the committee on Private Land Claims, in relation to the meaning and effect of the second section of the 11th article of the constitution. The language of the constitution is, "that the District Courts shall be opened until the first day of July one thousand eight hundred and forty seven, for the establishment of certificates for head rights, not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, &c. The majority of the committee are inclined to believe that the clause of the constitution in question, relates alone to the certificate, and may not intend to take away or destroy the right or claim out of which the certificate originated.

Among the many certificates rejected or not recommended for patent by the investigating boards of Commissioners, and upon which suit has not been instituted as required by the Constitution, there are, it is likely, many cases of undoubted merit, the parties to which, are as justly entitled to land, as any to whom land has been given and secured.

The majority of the committee are not disposed to think that it was the intention of the framers of the constitution to inflict such an injury upon meritorious claimants, as it is supposed would in many cases be inflicted by the confirmation of the decision of the committee on Private Land Claims. They think the certificate alone the object aimed at by the Constitution.

If the position assumed by the majority of the committee be the correct one, it would seem that the Legislature has power and authority to grant relief in the premises—admitting that the claim is not barred, and that the Legislature is authorized to interpose in behalf of the unfortunate. The committee do not say that it would be politic to exert it. This question, however, they do not intend here to discuss.

There is another question presented in the report of the com.

mittee on Private Land Claims, viz.: "That a lien exists by the compact of annexation, in favor of the creditors of the late Republic, upon the Public Domain."

The committee do not think it necessary to give an opinion upon this question. It is a separate and distinct question from the one first presented in said report, and so far as the cases, which elicited the report from the committee on Private Land Claims are concerned, are not requiring examination. They therefore decline the expression of an opinion upon the subject.

EDWARD CLARK, Chairman.

Mr. Clark, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have considered a bill referred to them entitled an act supplemental to an act to organize the Supreme Court of Texas, and a majority of said committee have directed me to report:—

That, although the bill proposes the incorporation of a new principle or feature into our laws, or at least establishes a power, the existence of which is now considered doubtful, they see no reason to apprehend evil from its operation, guarded and restricted as the power is by the bill. They suppose that cases might arise which would render the possession of the power conferred by the bill upon the Supreme Court, proper and expedient. It is left entirely within the discretion of the Judges to exercise or not the authority given under the circumstances of every case, and it is believed that such a discretion will never be abused while we have an intelligent, independent and honest Judiciary.

The Bill is herewith returned, and by the majority of the committee commended to the favorable consideration of the Senate.

EDWARD CLARK, Chairman.

The Judiciary committee have had under consideration "an act to repeal the fourth section of an act requiring the Com-

missioner of the General Land Office to issue patents upon unconditional headright certificates for land, approved May 12th, 1846;" and "a joint resolution instructing our Senators, and requesting our Representatives in Congress to use their efforts to have a law passed to extend the jurisdiction of Texas over one-half of the water of Sabine Pass, lake and river, and have instructed me to return said bill and joint resolution to the Senate, and recommend their passage."

EDWARD CLARK, Chairman.

Mr. Perkins, chairman of the committee on Private Land Claims, made the following report:

The committee on Private Land Claims, to whom was referred the "memorial of Samuel A. Maverick," after the examination of its contents, direct me to make the following report:

Before the Declaration of Texian Independence, the Government of Coahuila and Texas granted to sundry individuals, concessions, amounting to five leagues and four labors of land, which came into the hands of said Maverick as purchaser. In 1838, the Board of Land Commissioners for Bexar county, granted him as assignee Certificates thereon. There being no law to authorize the Commissioner of the General Land Office to issue patents on such certificates, application is made to the Legislature for relief. Not knowing why the late Government of Texas omitted to make provisions to recognize claims of this kind, what amount exists, or under what circumstances they were granted, they do not feel it to be their duty to recommend the relief asked for, without more time to enquire into the matter than they now have at this late day of the session. The memorial is therefore returned to the Senate, with the request that the committee be discharged from its further consideration.

S. W. PERKINS, Chairman.

Mr. Bourland, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred a joint resolution for the relief of the heirs or legal representatives of R. G. Hall, deceased, have had the same under consideration, and beg leave to return the same to the Senate for their action, and beg to be discharged from its further consideration.

Mr. Dancy, Chairman of the committee on State Affairs made the following report:

The committee on Affairs of State, to whom was referred "An act regulating estrays," have instructed me to report the same with the following amendments:

Amendment 1—

In sec. 1, line 19, strike out the word "requisites" and insert the word "provisions."

Amendment 2d—

In sec. 8, line 6, after the word "colt" insert the word "mule."

Amendment 3d—

In sec. 13, lines 10 and 11, strike out the word "authority" and insert the word "jurisdiction."

Amendment 4th—

In sec. 14, line 5, strike out the word "authority" and insert the word "jurisdiction."

Amendment 5th—

In sec. 15, line 7, strike out the word "authority" and insert the word "jurisdiction."

Amendment 6th—

In sec. 16, in line 5, strike out the words "of detinue or trover and conversion," and insert the word "therefor," and recommend the adoption of the amendments, and the passage of the bill as amended.

JON W. DANCY, Chairman.

Mr. Williamson, by leave, introduced a bill to be entitled an act supplementary to an act to regulate the Public Printing, approved March 8th, 1848.

Read first time, and

On motion of Mr. Williamson, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr. Williamson, the rule was further suspended, bill read third time and passed.

Mr. Abbott, by leave, introduced a bill to be entitled an act,

supplementary to an act, to regulate the Public Printing, approved March 8, 1848.

Read first time, and

On motion of Mr. Abbott, the rule was suspended.

Bill read second time, and ordered to be engrossed.

On motion of Mr. Abbott, the rule was further suspended.

Bill read third time and passed.

On motion of Mr. Williamson, joint resolution authorizing and requiring the Comptroller of Public Accounts to issue warrants paying A. B. Gray for services in running and marking the Eastern Boundary Line of Texas, was taken up, and passed to a third reading.

Mr. Williamson moved to amend by striking out "Auditor" and inserting "Comptroller" in second section.

Adopted.

On motion of Mr. Williamson, the rule was suspended.

Bill read third time and passed.

A message was received from the House of Representatives, informing the Senate, that the House had adopted the report of the committee of Conference on the following bills, viz :

A bill to be entitled an act to define the times of holding elections for the several State and county officers, and for Representatives to the United States Congress ; and,

A bill to be entitled an act to organize Justices' Courts, and define the powers and jurisdiction of the same.

On motion of Mr. Dancy, the vote of the Senate adopting a resolution to go into the election of a District Attorney for the Eleventh Judicial District, was reconsidered, and resolution laid upon the table.

On motion of Mr. Dancy, the resolution of the House to go into the election of a District Attorney for the Eleventh Judicial District, on Thursday next, at 11 o'clock, was adopted.

Mr. Dancy, chairman of a committee of Conference, made the following report :

To the President of the Senate and Speaker of the House of Representatives :

The committee of Conference, to which was referred the amendment of the Senate to "A bill to be entitled an act to define the time of holding elections for the several State and county officers, and for Representatives to the United States Congress," that was disagreed to by the House, have met and conferred together respecting said amendment, and they have agreed to recommend that the House agree to said amendment.

The said committee have directed us to report the foregoing as the result of their conference, and ask that the same be concurred in.

JON W. DANCY,

Chairman on part of the Senate.

E. M. PEASE,

Chairman on the part of the House of Rep.

Which report was, on motion of Mr. Dancy, adopted.

Mr. Dancy also made the following report :

*To the President of the Senate and,
Speaker of the House of Representatives :*

The committee of conference to which was referred the amendments of the Senate to "a bill to be entitled an act to organize Justices' Courts, and define the powers and jurisdiction of the same," which amendments were disagreed to by the House, have met and conferred freely respecting said amendments, and have agreed to recommend that the House shall agree to the amendments of the Senate to the 1st section. Also that the House agree to the amendments of the Senate to the 11th section. They have also agreed to recommend that the two Houses adopt the following amendments to section 64 :

In line 4, strike out the word "county," and insert in lieu thereof the words "precinct in the State."

In line 5, strike out the words "as nearly equal as may be," and in the same line, after the words "Chief Justices," insert the words "of their respective counties."

They have also agreed to recommend that the two Houses adopt the following as an additional section :

"Sec. 67. That no party after taking a stay, or an appeal in a Justice's Court, shall be entitled to a writ of certiorari, to remove the cause to the District Court, and no writ of certiorari shall be granted by a Judge of the District Court, to remove a cause from a Justice's Court, unless the party applying for the same shall make an affidavit in writing setting forth sufficient cause to entitle him to such writ, nor shall any such writ be granted after ninety days from the decision of the cause by the Justice of the Peace, and no such writ shall be issued unless the party applying shall first give bond with two or more sufficient sureties, payable to the adverse party, conditioned in the same manner as in appeals to the District Courts, which bond shall be approved by the Clerk of the District Court, and together with the affidavit shall be filed in his office, and upon service of such certiorari being made on the Justice of the Peace, he shall make out a certified copy of the entries in the cause on his docket, and transmit the same with the original papers to the District Court on or before the first day of the term next thereafter, and the case may be reviewed and tried de novo, and if the judgment be affirmed, ten per cent. damages shall be added, and judgment rendered against all the obligors in such bond."

The said committee have directed us to report the foregoing as the result of their conference, and ask the concurrence of the two Houses.

JON W. DANCY,
Chairman on part of the Senate.
E. M. PEASE,
Chairman on part of the House.

On motion of Mr. Dancy, the report was adopted.

A bill to be entitled an act to establish the method of trying the right of property levied on under writs of execution, sequestration and attachment, where the same is claimed by a person who is not a party to such suit; was

Read third time.

Mr. Jewett moved to amend by striking out the 3d section, and inserting as follows :

"Provided, that in all such cases, if the property so claimed was taken from the possession of the claimant, then the burthen of proof shall be upon the plaintiff in the original writ of execution, sequestration or attachment : but if the property so claimed was taken from the possession of any other person than such claimant, then the burthen of proof shall be upon such claimant."

Adopted.

The bill was then passed.

On motion of Mr. Clark,

A bill to be entitled an act to detect fraudulent land certificates, passed at the fifth Congress of the Republic of Texas, was taken up, and passed to a third reading.

On motion of Mr. Jewett, the Senate insisted on their amendment to a bill to be entitled an act to provide for the exchange of Books, Maps and Charts.

On motion of Mr. Jewett the Senate concurred in the amendment of the House to a bill to be entitled an act to provide for the election of Electors of President and Vice President of the United States.

A bill to be entitled an act to incorporate the town of San Augustine.

Read third time and passed.

Mr. Gage, chairman of the committee on Counties and County Boundaries, to whom was referred a bill to be entitled an act to create the county of Cooke, in honor of William G. Cooke, reported a substitute for the same, and recommended its adoption.

On motion of Mr. Gage, the bill and report were taken up, and read.

Report adopted, and bill passed to a third reading.

On motion of Mr. Gage,

The rule was suspended.

Bill read third time and passed.

A bill to be entitled an act prescribing the punishment for cut-

ting down, carrying away or destroying trees or timber upon any land without the consent of the owner.

Read third time.

Mr. Parker moved to amend by inserting the word "knowingly," in 2d section.

Rejected.

The bill then passed.

A bill to be entitled an act supplementary to an act entitled an act to restore lands sold for taxes, and bid in by the government, to the former owners, approved April 27th, 1846.

Read third time and passed.

A bill to be entitled an act for the regulation of Pilots at the mouth of the Brazos river.

Read third time.

Mr. Williamson moved to indefinitely postpone the bill.

Lost.

The bill then passed.

A bill to be entitled an act to incorporate the Huntsville Male Institute.

Read third time and passed.

Mr. Perkins, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined the following bills, and found the same correctly engrossed, viz.:

A bill to be entitled an act supplementary to an act to regulate the Public Printing, approved 8th March, 1848.

A bill to be entitled an act to repeal the 11th section of an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved Feb., 4th, 1841 :

A bill to be entitled an act to authorize the Secretary of State to charge fees in certain cases ;

A bill to be entitled an act to authorize and require the Judges of the District Courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death : and a bill to be entitled an act to prescribe the times of holding the courts in the 2d Judicial District of the State of Texas.

Mr. Abbott, chairman of the committee on Enrolled Bills, reported as correctly enrolled the following acts, viz.:

An act for the relief of James P. Wallace and Robert M. Williamson :

An act to incorporate Williamson Academy, in the county of Hays : and

An act for the relief of Christopher Columbus Browning :

And that that said acts were transmitted to the Governor on the 14th inst., for approval.

A bill to be entitled an act to authorize the Secretary of State to charge fees in certain cases.

Read third time and passed.

A bill to be entitled an act to authorize and require the judges of the district courts to hold special sessions thereof, for the trial of persons charged with the commission of crimes, the punishment of which is death.

Read third time and passed.

A bill to be entitled an act to repeal the 11th section of an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved 4th March, 1841.

Read third time and passed.

Mr. Wallace moved to take up a bill to be entitled an act to establish the Harrisburg and Rio Grande Railway Company.

Upon which motion the yeas and nays were called, and stood as follows :

Yeas—Messrs. Abbott, Bourland, Dancy, Jewett, Fitzgerald, Navarro, Perkins, Wallace, and Williamson—9.

Nays—Messrs. Brashear, Cuny, Gage, Grimes, McRae, and Parker—6.

So the bill was taken up and read.

Mr. Brashear moved to amend the 2d section by striking out the following words, "Harrisburg or other convenient point on Buffalo Bayou or Galveston Bay," and inserting "any point on Galveston Bay, without the limits of Harris county."

Adopted.

The amendment proposed by the committee, to strike out the 8th section, was adopted.

The bill was then ordered to be engrossed.

Mr. Cuny, by leave, introduced a joint resolution requesting John C. Watrous to resign his office as Judge of the United States' District Court for the District of Texas.

Read first time, and,

On motion of Mr. Cuny, the rule was suspended,

And Joint Resolution read second time.

Mr. Cuny moved a further suspension of the rule.

Mr. Williamson moved to lay it on the table.

Lost.

On motion of Mr. Gage, it was made the special order of the day for to-morrow.

A bill to be entitled an act to raise a revenue by taxation, together with the report of the committee on Finance, offering amendments; was read, and report adopted.

Mr. Perkins offered a substitute for the 8th section, which was adopted.

Mr. Grimes moved to amend by striking out "thirty" and inserting "twenty."

Adopted.

Mr. Clark offered the following amendment:

"*Provided*, That the farmers' farming implements, and the mechanics' tools shall not be required to be given in for taxation."

Rejected.

Mr. Abbott offered the following amendment:

"*Provided*, That all books, maps, charts and scientific and literary productions shall be exempt from taxation; and further provided, that no books, maps, charts, scientific and literary productions that are held and used as merchandize, shall be exempt."

Rejected.

The bill then passed to a third reading.

On motion of Mr. Perkins, the rule was suspended; bill read third time and passed.

A bill to be entitled an act to regulate proceedings in the County Courts, relating to guardians and wards.

Read first time, and

On motion of Mr. Wallace, made the special order of the day for to-morrow.

On motion of Mr. Jewett,

A bill to be entitled an act to regulate the descent and distribution of intestates estates, was taken up and read.

Mr. Jewett moved to amend the caption, so as to read: "A bill to be entitled an act concerning intestates estates."

Adopted."

On motion of Mr. Wallace it was made the special order of the day, for Thursday next.

On motion of Mr. Abbott, the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—**quorum present.**

On motion of Mr. Gage,

The vote which passed a bill to be entitled an act creating the county of Cook, in honor of William G. Cooke, was reconsidered.

Mr. Gage moved to amend the bill by adding an additional section as follows:

"SEC. 4. *Be it further enacted*, That the seat of Justice of said county shall be at the residence of Aaron Hill, in said county, until otherwise provided by law."

Adopted.

The bill then passed.

Mr. Clark, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee herewith return for the consideration of the Senate, "an act to provide for deductions from the salaries of Judges of the Supreme and District Courts, and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law."

They propose that the words, "and Clerk of the Supreme Court, and Clerks of the District Courts," be inserted after the word "Attorneys" in the second line of the caption of said bill, and that the word "and" between the words "courts and districts," in second line of the caption, be stricken out."

EDWARD CLARK.

Chairman.

On motion of Mr. Gage,

A bill to be entitled an act to provide for deductions from

the salaries of the Judges of the Supreme and District Courts, and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law, together with the report of the committee on the Judiciary, offering amendments, was taken up and read.

Mr. Clark moved to amend the report, by striking out the words, "and Clerk's of the District Courts."

Adopted.

The report was then adopted.

Mr. Perkins offered the following amendment:

"Provided the first Judicial district shall be exempt from the provisions of this act."

Mr. Bourland moved to amend the amendment by inserting the 8th.

Mr. Abbott moved to amend by inserting the 7th.

Mr. Fitzgerald moved to amend by inserting the 4th Judicial District.

All of which, Mr. Perkins accepted.

The question was then taken on Mr. Perkins' motion, and Lost.

The bill then passed to a third reading.

On motion of Mr. Grimes,

A bill to be entitled an act to provide for the assessment and collection of Taxes, was taken up and read.

Mr. Wallace moved to amend the 17th section, by inserting after the word "same" in 4th line, the following words "to the assessor and collector of taxes of the county in which he resides;" and by striking out all after the word "Comptroller," in the 6th line, to the word "on" in the 8th line.

Adopted.

The bill then passed to a third reading.

On motion of Mr. Gage,

The bill was laid on the table until to-morrow.

On motion of Mr. Bourland,

A bill to be entitled an act to incorporate the Galveston Steam Ferry, Freight and Towboat company, was taken up; and passed to a third reading.

Mr. Perkins, chairman of the committee on Engrossed Bills; reported as correctly engrossed.

A bill to be entitled an act to incorporate the Colorado and Brazos Rail Road Company.

A bill to be entitled an act supplementary to an act, to provide for the enumeration of the inhabitants of the State of Texas, approved April 11th, 1846, together with the report of the committee on Apportionment, Privileges and Elections, offering amendments thereto; was read and report adopted.

On motion of Mr. Dancy the bill was laid upon the table.

A bill to be entitled an act for the organization of new counties; was read.

Mr. Wallace offered the following amendment:

"And further provided, that each of said new counties, until otherwise provided for by law, shall in regard to representation, be and remain a part of the Representative district to which the county from which it was detached belonged, according to the act of the present session of the Legislature apportioning the Representatives of the different counties in this State."

On motion of Mr. Wallace,

The bill and amendment were laid on the table until tomorrow.

A bill to be entitled an act to incorporate the Colorado and Brazos Rail Road Company, was

Read third time.

The yeas and nays being called on its final passage, stood thus:

YEAS—Messrs. Abbott, Bourland, Burleson, Dancy, Jewett, Fitzgerald, Navarro, Perkins, and Williamson—9.

NAYS—Messrs. Clark, Gage, Grimes, Parker and Wallace—5.

So the bill was lost; two-thirds not having voted for its passage.

Joint Resolution for the relief of Theodore D. Maltby, who was disabled for life in the service of his country; was read.

Mr. Perkins offered the following amendments.

After "Maltby," in the caption, strike out "who was," and insert "John Hervey and Nathaniel R. Mallon, who were."

In 3d line of the 1st section, after "Maltby," insert "John Hervey and Nathaniel R. Mallon each."

In the 1st line of 2d section, add "s" at the end of "survey," and strike out "a" in the last line of the 2d section, and insert "s" at the end of "patent."

Adopted.

Mr. Wallace moved to amend by striking out "one league

and one labor of land," and inserting "pension of one hundred dollars per annum for life."

On motion of Mr. Gage,

The bill and amendments were laid upon the table.

Leave of absence was granted to Mr. Burleson for the balance of the session.

On motion of Mr. Brashear, the Senate adjourned.

Wednesday, 9 o'clock, a. m.

March 15th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Bourland, Brashear, Clark, Cuny, Dancy Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins and Wallace.

Quorum present.

The journal of the preceding day was read and adopted.

Mr. Clark, Chairman of the committee on the Judiciary, made the following report.

The Judiciary committee have had under consideration "an act to secure to the colonists of Fisher and Miller's colony, the lands to which they may be entitled," and a majority of said committee have instructed me to return said bill to the Senate with a substitute for the same, the adoption of which they recommend.

The majority of the committee are inclined to give those who emigrated to Texas under the contract made between Fisher and Miller and the President of the late Republic of Texas, the lands promised them by the terms of said contract and the conditions of the ordinance passed by the convention in relation to colonization contracts, A. D. 1845. They have endeavored